

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Theophilus Mixon Jr v City of Highland Park**

Docket No. **280637**

L.C. No. **05-520895-CD**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The motion for immediate consideration is GRANTED.

The motion to strike appellant's brief is DENIED.

However, appellant's Issue III is STRICKEN because the Court lacks jurisdiction to review appellant's Issue III with respect to the post-judgment order awarding case evaluation sanctions. Appellant's claim of appeal filed on September 5, 2007, cannot encompass the November 26, 2007, order granting defendant's motion for case evaluation sanctions. See *McDonald v Stroh Brewery Co*, 191 Mich App 601, 609; 478 NW2d 669 (1991). The Clerk is directed strike through appellant's Issue III and attached a copy of this order to appellant's brief.

The time for filing appellee's brief shall be calculated under MCR 7.212(A)(2)(a)(ii) from the date of the Clerk's certification of this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

September 25, 2008
Date

Sandra Schultz Mengel
Chief Clerk